

Chairman Vap called the regularly scheduled meeting to order at 10:01 a.m. with Commissioners Boyle, Lowell Johnson, Landis and Vap present and Commissioner Rod Johnson excused at the beginning of the meeting.

#### GENERAL ADMINISTRATION

Notice was duly published September 28, 2004, on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held October 6, 2004, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

#### Thursday, October 7, 2004:

11:00        Commission Library, Lincoln.  
              Wireless E911 Advisory Board.

#### Friday, October 8, 2004:

9:30        Legislative hearing on wireless regulation.  
              Chamber Development Center, 301 South Burlington, Hastings.

#### COMMUNICATIONS DEPARTMENT

Cheryl Elton updated the Commission on complaints received in the preceding month.

C-3255       In the Matter of Qwest Communications, Denver, Colorado, seeking approval of an amendment to the Interconnection Agreement for Elimination of UNE-P and Implementation of Batch Hot Cut Process and Discounts with MCImetro Access Transmission Services, LLC, Denver, Colorado: Gene Hand informed the Commission that MCI had filed a Response to Qwest's Motion to Dismiss Application for Review and a Response Showing of Supplemental Authority. AT&T had also filed a Notice of Supplemental Authority. Commissioner Landis will preside as Hearing Officer.

C-3259       In the Matter of Ameritech Communications International, Inc. (ACII), Pleasanton, California, seeking to cancel its Certificate of Authority to provide Telephone Toll Resale Service in the State of Nebraska previously granted in Docket C-1354: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3260 In the Matter of Buyers United, Inc., Bluffdale, Utah, seeking to change its name to UCN, Inc.: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

E-2051 In the Matter of Loup Valley Rural Public Power District, Ord, seeking to construct, operate and maintain electric transmission lines in Sherman County: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

Commissioner Rod Johnson entered to the Commission Hearing Room.

Gene Hand reported on the submission of the Annual Report on Telecommunications to the Legislature.

Commissioner Rod Johnson informed the Commission he had received a letter from United Way of the Midlands requesting permission to use the 211 dialing code in Dakota County.

UNIVERSAL SERVICE FUND DEPARTMENT

NUSF-7.07 In the Matter of Qwest Corporation, Denver, Colorado, seeking issuance of an order waiving certain requirements in the opinion and findings in Application C-1628/NUSF, associated with the NUSF support calculation in the transition period: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to approve an order granting Qwest's application in part. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Jeff Pursley reported on late-filed carrier remittance worksheets: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to levy a late fee against Alltel. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

NUSF-26 In the Matter of the Commission, on its own motion, seeking to establish a long-term universal service funding mechanism: Jeff Pursley discussed the summary of NUSF-26 Post-Hearing Briefs received on September 30, 2004.

E911 DEPARTMENT

911-002 In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order setting the surcharge. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

PSAP-006.4 In the Matter of Dodge County PSAP, Fremont, seeking funding approval for recurring and non-recurring costs associated with Wireless E911 implementation: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application in part and denying in part. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

PSAP-036 In the Matter of the City of Lincoln, Lancaster County, seeking funding approval for costs associated with Wireless E911 Implementation: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order amending the previous grant of funding request. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Kara Thielen presented and discussed an overview of the Phase II rollout plans.

NATURAL GAS DEPARTMENT

Angela Melton, on behalf of Laura Demman, reported on the number and nature of natural gas consumer inquiries and complaints received during the previous month.

P-0008 In the Matter of Aquila, Inc., Omaha, seeking resolution of a dispute under Neb. Rev. Stat. 57-1306-Stonecrest/Meridian Park Subdivision: Angela Melton, on behalf of Laura Demman, reported that a Motion for a Preliminary Cease and Desist Order and for an Expedited Hearing was filed by Aquila on September 28, 2004. MUD filed a Response to the Motion for a Preliminary Cease and Desist Order and for an Expedited Hearing on October 4, 2004. A Hearing Officer Order dismissing the Motion was entered on October 6, 2004.

RULES AND REGULATIONS

Rule and Regulation #162 In the Matter of the Commission, on its own motion, seeking to promulgate Title 291, Chapter 12, Manufactured Housing Rules and Regulations, previously written under Title 178, Chapter 16, through Health and Human Services and to create an ad hoc committee; correct technical errors, grammar, punctuation, spelling, sequential numbering and the like; and reprint the chapter in its entirety:

RULE AND REGULATIONS (Cont.)

Rule and Motion made by Commissioner Lowell Johnson, seconded by  
Regulation Commissioner Rod Johnson, to enter an order opening the  
#162 docket, seeking public comment and scheduling a public  
hearing for December 7, 2004, at 1:30 p.m. in the Commis-  
sion Hearing Room, Lincoln. Motion passed with Commissioners Anne  
Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting  
AYE.

Rule and In the Matter of the Commission, on its own motion, seeking  
Regulation to promulgate Title 291, Chapter 14, Recreational Vehicles  
#163 Rules and Regulations, previously written under Title 178,  
Chapter 15, through Health and Human Services and to adopt  
current plan review and construction standards; create an ad hoc  
committee; correct technical errors, grammar, punctuation, spelling,  
sequential numbering and the like; and reprint the chapter in its  
entirety: Motion made by Commissioner Anne Boyle, seconded by Commis-  
sioner Lowell Johnson, to enter an order opening the docket, seeking  
public comment and scheduling a public hearing for December 7, 2004,  
at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed  
with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank  
Landis, and Jerry Vap voting AYE.

GRAIN WAREHOUSE DEPARTMENT

The following shortages were discussed:

GW-2024 Corn and soybeans at Cameron Feed Co., Herman.  
GW-2113 White corn at Aurora Cooperative Elevator Company, Aurora.  
GW-2127 Corn and sunflower (oil) at The Scoular Company, Venango.  
GW-2129 Corn and soybeans at The Scoular Company, Madrid.

John Fecht reported that there are four (4) grain warehouse  
licenses that have not been renewed due to background checks.

GW-1985 In the Matter of Farmers Alliance Mutual Insurance Co.  
seeking cancellation of its Continuous Public Grain Ware-  
house Bond No. 75 485 in the amount of \$87,700.00, issued on behalf of  
M&N Grain, Inc., Campbell: Bond was cancelled effective September 23,  
2004. Replacement security is on file.

GW-2138 In the Matter of Atlanta Elevator, Inc., Atlanta: Motion  
GWC-368 made by Lowell Johnson, seconded by Rod Johnson, to enter  
an Order Regarding Distribution of Proceeds. Motion passed  
with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, Anne  
Boyle, and Jerry Vap voting AYE.

GW-2141 In the Matter of Pender Grain, Inc., Pender: Motion made  
GWC-291 by Lowell Johnson, seconded by Frank Landis, to enter an  
Order regarding fines. Motion passed with Commissioners  
Lowell Johnson, Rod Johnson, Frank Landis, Anne Boyle, and Jerry Vap  
voting AYE.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

Grain Dealer Division

GD-2126 In the Matter of Capitol Indemnity Corporation, seeking  
cancellation of its Continuous Grain Dealer Bond No. 901057  
in the amount of \$35,000.00, issued on behalf of Chris Schrader dba  
CST Grain, Benkelman: Bond was cancelled effective September 25,  
2004. Replacement security is on file.

TRANSPORTATION DEPARTMENT

Rate Division

MR-930 In the Matter of Movers and Warehouse Division, Nebraska  
Motor Carriers Association, Lincoln, seeking authority to  
establish a fuel surcharge in Nebraska Official Household Goods Tariff  
7-F: The fuel surcharge was increased to 40 cents per mile and the  
taxi surcharge retained at 40 cents per trip.

GENERAL ADMINISTRATION

Motion made by Commissioner Lowell Johnson, seconded by  
Commissioner Frank Landis, to approve the following Commission  
invoices: Motion passed with Commissioners Anne Boyle, Lowell  
Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

HHS Finance & Support	\$ 1,748.12
Executive Travel	583.90
Kelly Services	551.25
Kelly Services	573.13
Michigan State University	750.00
Mark Luttich	788.75
Kent Pribyl	809.50
Rod Johnson	650.86

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Aksarben TDD Service	12,779.00
Associated Hearing Health Care	1,422.70
Audiology Services and HAC	211.90
Carl A. Johnson	1,003.75
Johnson Hearing Aid Service, Inc.	651.89
K-D Communications	7,447.50
Professional Hearing Aid Services	\$ 569.95
R & J Enterprises	353.40
Teltex	645.43
Hearing Clinic Inc.	870.00
Weitbrecht Communications	616.45

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to authorize Kara Thielen to attend the National Governors Association and the National Association of State 9-1-1 Administrators (NASNA) E-911 State Coordination Summit to be held in Arlington, Virginia from October 12-14, 2004. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to authorize the purchase of five computers. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to approve the Commission Policy Manual and Internal Administrative Procedures Manual. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to go into closed session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE. The Commission went into closed session at 10:44 a.m.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE. The Commission returned to open session at 10:46 a.m.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to approve making an offer for the administrative assistant position in the Communications Department. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

\*\*\*\*\*

The meeting adjourned at 10:47 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis, and Vap present. The next regularly scheduled meeting will be held on October 13, 2004, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on October 12, 2004.

---

Chairman

---

Executive Director